



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

OCT 04 1994

Reply To
Attn Of: HW-113

Mr. Pat Hyland
Manager, Environmental Protection
Monsanto Chemical Corporation
800 N. Lindbergh Boulevard
St Louis, Missouri 63141

Dear Mr. Hyland:

This will respond to your letter of September 23, 1994, to Randy Smith, Director of the Hazardous Waste Division, concerning the Monsanto Superfund Site Risk Assessment. It also responds to your letter to me dated July 27, 1994, concerning the jurisdictional matter between the United States Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA) involving potential worker risks under Superfund at the Monsanto Soda Springs Plant.

EPA shares Monsanto's commitment to an accurate and complete risk assessment, so long as every effort continues to be made to complete the assessment in a timely manner. To that end, EPA acknowledges and accepts Monsanto's commitment to accelerate the schedule for various Remedial Investigation/Feasibility Study (RI/FS) deliverables as described in your letter, and is in the process of updating and revising the risk assessment to be sure the document addresses all technical issues which have been raised to date by Monsanto, the State of Idaho, and EPA technical staff. Those issues will be addressed as completely as possible within the timeframe given in your letter.

EPA is somewhat concerned that Monsanto has raised so many new issues and provided new data at a late stage in development of the risk assessment. It is unfortunate that Monsanto did not address these issues and provide this data in a more timely fashion. This data collection would have been more appropriately incorporated as part of the formal RI investigations. Instead it is being collected now on an ad hoc basis. This denies EPA the opportunity to comment on the work plan and approach for collecting the additional information, to have time to review the results, and to evaluate quality assurance. As a result, it may not be possible to take full advantage of this information at this phase of the project.

Nonetheless, EPA is evaluating the issues of instrumentation correction, radiological slope factors, exposure duration and shielding factors discussed in your letter of September 23rd. EPA is also addressing changes to the radiological slope factors

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published by EPA late last Spring and others which were developed this summer and which will be published in November 1994.

Note that while we are addressing all the above issues, EPA does not agree entirely with your letter of September 23, 1994, and is not willing to revisit some issues which have already been resolved. For example, while your letter states that neither EPA nor Monsanto realized the need for instrumentation correction, in fact EPA technical staff raised that point in meetings with Monsanto which occurred last Spring. In addition, your letter suggests that EPA conduct a probabilistic risk assessment instead of following the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and National Contingency Plan (NCP) requirements for a site-specific baseline risk assessment. Mr. Smith clearly articulated EPA's disagreement with Monsanto's position on that matter last November, as the EPA project manager has been doing for well over a year. EPA does not believe that constantly rehashing that issue is conducive to our mutual goal of completion of this project in a timely manner.

Finally, there is the matter of EPA's responsibility and jurisdiction under CERCLA to address worker exposure to uncontrolled releases of hazardous substances, pollutants, and contaminants at a Superfund site such as the Monsanto facility. EPA has been in consultation with OSHA on this matter since March, 1993. On September 1, 1994, EPA Regional Administrator Chuck Clarke responded to OSHA with a letter which included the following points explaining EPA's position:

- Since the Monsanto Soda Springs plant is on the Superfund National Priorities List, EPA and OSHA have complementary jurisdiction with respect to the risk to workers from exposure to uncontrolled releases (actual and potential) of hazardous substances to the environment. Other risks within the workplace are beyond the scope of CERCLA and are not included in the assessment;
- In order to achieve the goal of getting the Soda Springs Facility off the National Priorities List of Superfund sites, EPA and Monsanto must complete the requirements of CERCLA. Under CERCLA, EPA must perform a baseline risk assessment at every Superfund site;
- CERCLA does not exempt areas or populations (such as workers) within a Superfund site from assessment, nor do EPA regulations contemplate that EPA defer or refer this responsibility to OSHA. The CERCLA regulations direct that OSHA standards be considered in the next phase of the Superfund process, the development and evaluation of feasible cleanup alternatives; and,
- EPA recognizes the need to and intends to continue working with OSHA to reconcile and explain differences.

As with the rest of the RI/FS, Monsanto and the general public will have a formal opportunity to comment on the baseline risk assessment during the public comment period when the RI/FS is made available to the public. EPA will respond in the Responsiveness Summary to any comments which are submitted at that time. However, as we discussed and Monsanto acknowledged when EPA first gave them the extraordinary opportunity to review and comment on the peer review draft of the baseline risk assessment, EPA will not respond in writing to Monsanto's comments on the risk assessment until that time.

As I said before, EPA is addressing all relevant technical issues and preparing a revised risk assessment for release to the public as soon as possible. In keeping with that goal, EPA accepts Monsanto's offer of a revised schedule for submission of RI/FS deliverables and will expect the draft RI report on November 30, 1994. EPA is not willing to postpone the project indefinitely, however, so if there is any other data or information which Monsanto believes should be considered in the risk assessment at this time, it must be provided to EPA immediately. The only item you mentioned which we agree cannot be addressed on the current schedule is the additional Soda Creek data which is about to be collected. The EPA and Monsanto project managers have agreed that data will be provided to EPA on a separate track and be incorporated at a later date, without delaying the other deliverables.

In closing, I want to thank you for providing us with details of Monsanto's concerns about EPA's Risk Assessment for the Soda Springs facility. I also urge you and Monsanto to do what is necessary to bring this project to a close in a timely manner. Tim Brincefield, the EPA Project Manager for the site, will continue to work closely with Mr. Bob Geddes to keep the project moving forward. If you have further concerns or wish additional information, please contact Mr. Brincefield at (206) 553-2100. For your information, I am assuming new duties as the Associate Director of the Hazardous Waste Division. Effective October 17, 1994 Michael Gearheard will be the Superfund Branch Chief.

Sincerely,



Carol Rushin, Chief
Superfund Remedial Branch

cc: Robert Geddes, Monsanto Soda Springs
Kent Lott, Monsanto Soda Springs